

COMMISSION MEETING**7:00 P.M.****FEBRUARY 19, 2020**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, February 19, 2020, in the City Commission Meeting Room with Mayor Giefer presiding and Commissioners Brinkman, Geitz, Gilligan and Smith present. Also present were City Manager McAnarney, Assistant City Manager Massey, Deputy City Clerk Bryson and City Attorney Montgomery. City Clerk Sull was absent.

MAYOR AND CITY COMMISSIONERS REPORTS AND COMMENTS

This is the time for the Mayor and City Commissioners to make comments and reports to the public. **The following is general information for the month of December for the community:**

1. Monthly Local Retail Sales Tax Receipts Update

	2019	2020	
	\$425,242.50	\$395,954.52	Decrease of \$20,287.98 for the month, and
YTD	\$ 425,242.50	\$ 395,954.52	Overall decrease of 6.89% from year 2019

2. City Share from County Tax

	2019	2020	
	\$ 210,316.85	\$205,197.27	Decrease of \$5,119.58 for month, and
YTD	\$ 210,318.85	\$ 205,197.27	Overall decrease of 2.43% from year 2019

3. Building Permits issued from 1/1/2020 to 1/31/2020 for new construction, remodeling, repairs and demolition.

Total number of building permits issued through Code Services:	28
Total of valuations associated with those building permits:	\$1,536,013.00
Total number of dollars collected for Building Permit Fees:	\$ 5,823.26
Construct - single family dwellings	0
Demo - single family dwellings	0

Flint Hills Mall CID for January	\$ 18,905.60
Year to Date Total	\$ 18,905.60

Consent Agenda

It was moved by Commissioner Gilligan, seconded by Commissioner Geitz that the Consent Agenda listed below be ratified as a whole:

- Consider minutes of the Regular Meeting held on February 5, 2020.
- Consider ratification of Payroll Ordinance for the period ending on January 31, 2020.
- Consider Set Bid Date and Time for One New Solid Waste Truck.
- Consider Set Bid Date and Time to Receive Bids for New Police

Vehicles.

- e. Consider Set Bid Date and Time to Receive Bids for the 2020 Sidewalk Improvements Project NO. 19pathg.
- f. Consider Change Order No. 1 for the 6th Avenue Water Main Improvement Project No. WM1901.

The vote follows: Commissioner Gilligan, aye; Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

**CITY COMMISSION
(Public Comment)**

This is the time for the public to make comments. No comments were made at this time.

Jack Taylor, Fire Chief, was recognized and addressed the Governing Body. He stated last Wednesday morning there was an incident involving a turned over school bus on the turnpike. There were 36 5th grade students, bus driver, chaperone, and 2 school teachers were on the bus. He then reviewed the events of the incident and the many other individuals and agencies involved in treatment, transportation, help and caring for all the students and adults that were on the bus. Those involved were as follows:

Emporia Fire/EMS Department
Dispatchers from Lyon County Emergency Communication Center
Lyon County Sheriff Deputies
KHP Troopers
Jerrold Fell, Lyon County Emergency Management
KDOT Turnpike Crews
Butler County EMS
LifeSave
Williams Towing
Emporia High School
USD #253 Transportation
Newman Regional Health

Because of the teamwork that took place and the relationships that have been established over long period of time and the work that they have done together went exceptionally well. He made special recognition to his staff

for being boots on the ground for this incident and the many other agencies and individuals who were involved with this incident.

The Commission commended the Fire/EMS Department for a job well done.

CITY COMMISSION
(Permitting the Sale and consumption of Alcohol)
(City Parking Lot at 4th and Commercial St.)
(St. Patrick's Day Parade Event)
(Ordinance Number 20-05)

AN ORDINANCE EXEMPTING THE PARKING LOT NEXT TO 405 COMMERCIAL STREET IN THE CITY OF EMPORIA, KANSAS, FROM THE PROHIBITION ON THE CONSUMPTION OF ALCOHOLIC BEVERAGES, to which the City Clerk assigned Ordinance Number 20-05, was presented to the Governing Body for their consideration.

Jim Lauer, owner of Town Royal, was recognized and addressed the Governing Body. He stated he was requesting permission to host a beer garden in connection with the celebration of St. Patrick's Day in the parking lot adjacent to the Town Royal at 405 Commercial, on March 14, 2020 between 10:00 a.m. and 1:30 a.m. This event is the same as in previous years.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated the beer garden will be enclosed by city fencing in a location approved by the Interim Chief of Police and the applicant is required to meet city and state requirements for alcohol sales.

Commissioner Smith made a motion to approve Ordinance Number 20-05, an exempting the parking lot next to 405 Commercial from the prohibition on the consumption of alcohol for the St. Patrick's Day Beer Garden. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

ENGINEERING
(Downtown Sanitary Sewer System Improvements Project NO. SS1803)
(CDBG Project 18-PF-005 Sanitary Sewer Relining Project)
(Consider Contract Amendment Request for Time Extension)

Bruce Boettcher, representing BG Consultants, was recognized and

addressed the Governing Body. He stated the City's Sanitary System Improvements project has been delayed. The engineers on the project have cited unseasonable wet and cold weather that has saturated the ground preventing efficiency and causing delays in the project. The City has implemented a sewer relining project in the downtown area. The project will help significantly improve the downtown infrastructure and should add another 30-50 years of life to the sewer system in this area. The relining will also reduce ground water infiltration and help reduce the storm water from flowing into the sanitary sewer system. These improvements will continue to be beneficial as the downtown continues to grow and add residential living. Due to the weather delays, it is recommended that a Contract Amendment Request to the Kansas Department of Commerce for a time extension for six (6) months be submitted. He stated this time extension will allow the contract to complete construction and allow monitoring and close out of the grant project.

Following further discussion, Commissioner Brinkman made a motion authorizing the Mayor and staff to submit a Contract Amendment Request to the Kansas Department of Commerce for a time extension. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Gilligan, aye; Commissioner Geitz, aye; Commissioner Smith aye; and Mayor Giefer, aye.

ENGINEERING
(Agreement with Kansas Department of Transportation)
(Federal Fund Exchange Program)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated the Kansas Department of Transportation allows a city to exchange the annual allocation of Federal Funds for use by the City on City street projects. This enables the City to use a more streamline process for project development. The agreement defines the current "Exchange Rate" at 90% of State Funds for 100% of local federal obligation authority for project costs. The City utilizes this funding source for the asphalt overlay and street maintenance on Merchant Street, Kansas Avenue to 12th Avenue and Industrial Road, 6th Avenue to I-35, in 2018. The current amount

of federal funding allocated to Emporia is \$520,669.11, for project to be determined for use of the funds. He stated staff is recommending authorizing the Mayor to approve and sign the Federal-Aid Fund Exchange Master Agreement. He stated staff was recommending the Mayor be authorized to approve and sign the Federal-Aid Fund Exchange Master Agreement.

Commissioner Smith made a motion authorizing the Mayor to approve and sign the Federal-Aid Fund Exchange Master Agreement. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

HOUSING
(Kansas Department of Commerce CDBG Program)
(Small Cities Community Development Block Grant-CDBG)
(Accept \$300,000 Housing Rehabilitation Grant)

Jeff Lynch, Community Development Coordinator, was recognized and addressed the Governing Body. He stated the City has been awarded a grant for \$300,000 through the Kansas Department of Commerce Small Cities Community Development Block Grant (CDBG) Program to rehabilitate approximately 14 single family homes occupied by residents with low to moderate income. The target area will be just northeast of Peter Pan Park bounded by South Avenue, Commercial Street, Kansas Avenue and State Street.

Commissioner Smith made a motion accepting a \$300,000 housing rehabilitation grant from the Kansas Department of Commerce CDBG Program and authorize the Mayor to sign a contract and all other associated documents. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

CITY COMMISSION
(Authorizing Application for USDA Rural Business Development Grant RBDG)
(Resolution Number 3626)

City Manager McAnarney stated late last week, Commissioner Gilligan sent information for an opportunity to apply for an USDA Rural Business

Development Grant (RBDG). He stated this project would fall under the THINK Emporia program that is in development. The City could apply for up to \$100,000 grant with a \$30,000 match.

Casey Woods, representing Emporia Main Street, was recognized and addressed the Governing Body. He stated this grant is designed to assist startup, expansion and continuation of small and emerging businesses in rural communities. If approved, grant funds would be used to acquire technology for an Innovation and Prototyping Lab to help entrepreneurs and inventors to move from concept to market. The Lab will be available for build-out and will be available to service individuals within the region with resources and tools to develop rapid-prototype design and build for further analysis and marketing ability. The Lab will also serve as an expanded resource that can be used by local manufacturers and educational research groups in the region.

Following further discussion, Commissioner Smith made a motion authorizing Resolution Number 3626, a resolution authorizing preparation and submittal of a United States Department of Agriculture (USDA) Rural Business Development Grant (RBDG) application. Commissioner Geitz seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

**CITY COMMISSION
(Riverside Addition)
(Establish Rural Housing Incentive District)
(Resolution Number 3627)**

Jim Witt, Special Project Manager, was recognized and addressed the Governing Body. He stated this resolution establishes a hearing date of April 1, 2020 for the establishment of the Riverside RHID District and includes the state required development plan as required by state statute. He stated other requirements of the statute will be completed once the resolution is passed by the Commission. The project plat has been approved by the Planning Commission and City Commission. The subdivision consists of 11 single family lots just south of Riverside Elementary. Contact

regarding the development of this area and its designation as an RHID has been made with other taxing entities.

Following further discussion, Commissioner Smith made a motion approving Resolution Number 3627 establishing a hearing date for the Riverside Rural Housing Incentive District. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

**PARK DEPARTMENT
(Amend Regulations for Fishing)
(Jones Youth Park and Peter Pan Park)**

City Manager McAnarney stated the Commission recently heard a presentation from Carson Cox, Kansas Parks and Wildlife Fisheries Biologist, on recommending changing the fishing rules and regulations for Jones Youth Park and Peter Pan Park. The recommended changes are as follows:

1. The Youth Mentoring Fishing Program would be implemented in Jones Park. Currently there are three ponds in Jones Youth Park that are utilized for fishing. Under the Youth Mentoring Program, adults would be allowed to fish in the three ponds only if they were accompanied by a youth age 16 or under. The goal of the Youth Mentoring Program is to encourage youth to explore the outdoors and fish in the ponds. This change would also allow Fish and Game to issue tickets for offenses which would take them out of Emporia Municipal Court. Kansas Parks and Wildlife would be responsible for installing the new signage in Jones Youth Park.
2. It was also recommended the rules and regulations be changed to prohibit cast nets and seining in the ponds in both Jones Youth Park and Peter Pan Park. The removal of large numbers of bait fish makes the fish population out of balance and fish grow slower.
3. It was also recommended individuals could contact Kansas Parks and Wildlife in order to use cast nets or seining nets in the ponds for educational purposes.
4. The proposed changes will be reviewed by Kansas Parks and Wildlife and would go into effect on January 1, 2021.

He stated these park ponds are under jurisdiction of the State of Kansas for regulations on fishing. The City may recommend changes at any time for

consideration by the State of Kansas for the following calendar year. Only a vote is required from the City Commission.

Commissioner Smith made a motion recommending changes to the rules and regulations for fishing Jones Youth Park and Peter Pan Park as stated. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

**CITY COMMISSION
(City Manager's Report)**

This is a verbal report that announces upcoming events, recognizes employees for outstanding contribution and provides the public information that may be of a general interest. The following information was presented at the meeting:

At the time this Agenda was prepared, the following items were in the works:

TENTATIVE AGENDA FOR FEBRUARY 26TH STUDY SESSION

Year End Review
Lift Stations Discussion
Update and List for Alley Maintenance
Discuss Sidewalk Plan at Peter Pan Park
Discuss New Downtown Holiday Decorations

1st Quarterly Joint City/County Luncheon

EXECUTIVE SESSION

Commissioner Gilligan made a motion to adjourn into Executive Session to discuss proprietary information of private businesses considering expansion into the City of Emporia from 7:35 p.m. to 7:50 p.m., in the City Conference Room. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

Upon reconvening the meeting in Regular Session, a 7:50 p.m., this same date, in the City Conference Room, Mayor Giefer stated they had discussed proprietary information of private businesses considering expansion into the City of Emporia and no action was taken.

Commissioner Smith then made a motion to adjourn. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

Danny Giefer, Mayor

ATTEST:

Kerry Sull, City Clerk